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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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| Proceeding | 91178464 |
| Party | Plaintiff Head Technology GmbH |
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| Submission | Motion to Extend |
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| Date | 04/04/2008 |
| Attachments | Motion to Extend Discovery and Testimony Dates.pdf (4 pages)(149946 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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| HEAD TECHNOLOGY GMBH, Opposer v. MBL/TIGI PRODUCTS, LP, Applicant. | Opposition No. 91178464 Serial No. 78844705 Filing Date: March 23, 2006 Mark: BED HEAD |
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MOTION TO EXTEND DISCOVERY AND TESTIMONY DATES

Opposer Head Technology GmbH ("Opposer"), by its attorneys, respectfully moves to extend the discovery and trial periods for a period of sixty days from the date of the Board's ruling on the motion.

I. RELEVANT BACKGROUND

The parties have been discussing a possible settlement of this matter.

On January 23, 2008 and February 21, 2008, the parties discussed possible settlement terms. Following both discussions, counsel for Applicant filed consented motions to extend the discovery and trial dates.

On April 4, 2008, counsel for Opposer again contacted counsel for Applicant regarding settlement, and an extension of the discovery and trial dates to accommodate the parties' discussions. At this time, however, it appears that counsel for Applicant is out of the office on short leave, and thus she is unable to participate in any settlement discussions or an extension.

In addition, Opposer recently learned of Applicant's three related Application Serial Nos. 78845998, 78845962 and 78846067 for marks comprised of or containing BED HEAD. The publication of these three applications, on March 4, 2008, only came to the attention of counsel for Opposer this week. Counsel for Opposer filed Requests for Extensions of Time to Oppose these marks on April 3, 2008.

II. ARGUMENT

Under Fed. R. Civ. P. (6)(b)(1) and TBMP Section 509, the standard for allowing an extension of time is good cause. Good cause will ordinarily be found so long as the moving party has not been guilty of negligence or bad faith, and the privilege of extensions is not abused. *American Vitamin Products Inc. v. DowBrands Inc.*, 22 USPQ2d 1312, 1314 (TTAB 1992).

Opposer submits that an extension of time is warranted in this case. This is not a case where the privilege of extensions has been abused. Indeed, the parties have filed consented extension of time in order to facilitate settlement discussions. Thus, proceedings have not been delayed or postponed for any improper or negligent reason.

Moreover, this motion was necessitated by Opposer's recent discovery of three newly-published applications owned by Applicant for marks comprised of or containing BED HEAD. Opposer believes, in good faith, that the parties should consider all of these additional applications and marks in any settlement discussions.

Further, in the event the parties are unable to reach a settlement, an extension of the discovery and trial dates is warranted to allow Opposer time to consider filing Notices of Opposition, and time to prepare and file a motion to consolidate all related proceedings. As noted above, Opposer recently learned of Applicant's three related

Application Serial Nos. 78845998, 78845962 and 78846067 for marks comprised of or containing BED HEAD. These three applications were all published for opposition on March 4, 2008, only came to the attention of counsel for Opposer this week.

III. CONCLUSION

Accordingly, Opposer submits that good cause has been shown, and respectfully requests that the Board grant its motion to extend the discovery and testimony periods for sixty (60) days from the date of the Board's order on this motion.

Date: April 4, 2008

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion
foregoing MOTION TO EXTEND DISCOVERY AND TESTIMONY DATES
was served via prepaid First Class Mail, on this 4th day of April 2008, upon counsel for
Applicant, MBL/TIGI Products, LP, at the following address:

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